UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,062	09/05/2003	David S. Colvin	COL406PUS	2061

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/605,062	COLVIN, DAVID S.
	Examiner	Art Unit	
	Christopher A. Revak	2131	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 September 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-86* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>see attached</u>.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statements submitted are on in compliance with the

provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information

disclosure statement.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

3.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-45 of U.S. Patent No. 6,044,471.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because claims 1-86 of the instant application are envisioned by patent

claims 1-45 in that claims 1-45 of the patent claims all the limitations of claims 1-86 of

the instant application. Claims 1-86 of the instant application therefore are not

patentably distinct from the earlier patent claims, and as such, are unpatentable for

obvious-type double patenting.

4.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,460,142.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because claims 1-86 of the instant application are envisioned by patent

claims 1-21 in that claims 1-21 of the patent claims all the limitations of claims 1-86 of

the instant application. Claims 1-86 of the instant application therefore are not

patentably distinct from the earlier patent claims, and as such, are unpatentable for

obvious-type double patenting.

5.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,502,195.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because claims 1-86 of the instant application are envisioned by patent

claims 1-22 in that claims 1-22 of the patent claims all the limitations of claims 1-86 of

the instant application. Claims 1-86 of the instant application therefore are not

patentably distinct from the earlier patent claims, and as such, are unpatentable for

obvious-type double patenting.

6.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,484,264. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent claims 1-20 in that claims 1-20 of the patent claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

7.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-53 of U.S. Patent No. 6,446,211. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent claims 1-53 in that claims 1-53 of the patent claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

8.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,799,277. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent claims 1-40 in that claims 1-40 of the patent claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not

patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

9.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,795,925. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent claims 1-19 in that claims 1-19 of the patent claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

10.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,792,548. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent claims 1-19 in that claims 1-19 of the patent claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

11.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,792,549. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent

claims 1-12 in that claims 1-12 of the patent claims all the limitations of claims 1-86 of

the instant application. Claims 1-86 of the instant application therefore are not

patentably distinct from the earlier patent claims, and as such, are unpatentable for

obvious-type double patenting.

12.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-126 of U.S. Patent No. 6,813,717.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because claims 1-86 of the instant application are envisioned by patent

claims 1-126 in that claims 1-126 of the patent claims all the limitations of claims 1-86 of

the instant application. Claims 1-86 of the instant application therefore are not

patentably distinct from the earlier patent claims, and as such, are unpatentable for

obvious-type double patenting.

13.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-140 of U.S. Patent No. 6,857,078.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because claims 1-86 of the instant application are envisioned by patent

claims 1-140 in that claims 1-140 of the patent claims all the limitations of claims 1-86 of

the instant application. Claims 1-86 of the instant application therefore are not

patentably distinct from the earlier patent claims, and as such, are unpatentable for

obvious-type double patenting.

14.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-176 of U.S. Patent No. 6,785,825.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent claims 1-176 in that claims 1-176 of the patent claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

15.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-98 of U.S. Patent No. 6,813,718. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent claims 1-98 in that claims 1-98 of the patent claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

16.   Claims 1-86 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,986,063. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by patent claims 1-40 in that claims 1-40 of the patent claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

17.   Claims 1-86 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-100 of

copending Application No. 10/605,060. Although the conflicting claims are not identical,

they are not patentably distinct from each other because claims 1-86 of the instant

application are envisioned by co-pending claims 1-100 in that claims 1-100 of the co-

pending claims all the limitations of claims 1-86 of the instant application. Claims 1-86

of the instant application therefore are not patentably distinct from the co-pending

claims, and as such, are unpatentable for obvious-type double patenting.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

18.   Claims 1-86 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-99 of

copending Application No. 10/605,061. Although the conflicting claims are not identical,

they are not patentably distinct from each other because claims 1-86 of the instant

application are envisioned by co-pending claims 1-99 in that claims 1-99 of the co-

pending claims all the limitations of claims 1-86 of the instant application. Claims 1-86

of the instant application therefore are not patentably distinct from the co-pending

claims, and as such, are unpatentable for obvious-type double patenting.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

19.   Claims 1-86 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-95 of

copending Application No. 10/605,063. Although the conflicting claims are not identical,
they are not patentably distinct from each other because claims 1-86 of the instant
application are envisioned by co-pending claims 1-95 in that claims 1-95 of the co-
pending claims all the limitations of claims 1-86 of the instant application. Claims 1-86
of the instant application therefore are not patentably distinct from the co-pending
claims, and as such, are unpatentable for obvious-type double patenting..

This is a provisional obviousness-type double patenting rejection because the
conflicting claims have not in fact been patented.

20.   Claims 1-86 are provisionally rejected on the ground of nonstatutory
obviousness-type double patenting as being unpatentable over claims 1-88 of
copending Application No. 10/605,064. Although the conflicting claims are not identical,
they are not patentably distinct from each other because claims 1-86 of the instant
application are envisioned by co-pending claims 1-88 in that claims 1-88 of the co-
pending claims all the limitations of claims 1-86 of the instant application. Claims 1-86
of the instant application therefore are not patentably distinct from the co-pending
claims, and as such, are unpatentable for obvious-type double patenting..

This is a provisional obviousness-type double patenting rejection because the
conflicting claims have not in fact been patented.

21.   Claims 1-86 are provisionally rejected on the ground of nonstatutory
obviousness-type double patenting as being unpatentable over claims 1-97 of
copending Application No. 10/605,065. Although the conflicting claims are not identical,
they are not patentably distinct from each other because claims 1-86 of the instant

application are envisioned by co-pending claims 1-97 in that claims 1-97 of the co-pending claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the co-pending claims, and as such, are unpatentable for obvious-type double patenting.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

22. Claims 1-86 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-94 of copending Application No. 10/605,067. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-86 of the instant application are envisioned by co-pending claims 1-94 in that claims 1-94 of the co-pending claims all the limitations of claims 1-86 of the instant application. Claims 1-86 of the instant application therefore are not patentably distinct from the co-pending claims, and as such, are unpatentable for obvious-type double patenting.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24.   Claims 1-86 are rejected under 35 U.S.C. 102(b) as being anticipated by

Ananda, U.S. Patent 5,495,411.

As per claim 1, Ananda teaches of a method for securing software to reduce

unauthorized use of the software, the method comprising providing software including

data representing digital content; associating at least one identifier with the software

prior to distribution of the software, the identifier being detectable by an authorized

representative to request authentication of the software; and distributing the software

with the at least one identifier to a user (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28;

col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 2, Ananda discloses wherein the software is self-activating and self-

authenticating in conjunction with an authorized representative located on or in the user

device (col. 10, lines 4-15).

As per claim 3, it is taught by Ananda wherein the digital content is selected from

the group consisting of data representing music, data representing video, instructions

executable by a computer, code for an application program, code for an operating

system, code for a game, data representing a movie, data representing graphics, data

representing watermarked works, data representing a magazine, and data representing

a book (col. 1, lines 17-19).

As per claim 4, it is disclosed by Ananda wherein the identifier is hidden from the

user (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 5, Ananda teaches wherein the identifier is tamper resistant to the

user (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 6, Ananda discloses wherein the at least one identifier is embedded within a file of at least one component of the software (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 7, it is taught by Ananda wherein the at least one identifier is a binary code (col. 6, lines 57-63).

As per claim 8, it is disclosed by Ananda wherein the at least one identifier is encrypted (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 9, Ananda teaches wherein the step of distributing the software comprises electronically distributing the software (col. 3, lines 19-32).

As per claim 10, Ananda discloses wherein the step of distributing the software comprises distributing the software on a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 11, it is taught by Ananda of performing a process to determine whether an attempted access to the software is authorized based on detection of the at least one identifier (col. 3, lines 11-15).

As per claim 12, it is disclosed by Ananda wherein the step of performing a process comprises determining whether the attempted access to the software is authorized based on registration information associated with the software (col. 3, lines 11-15 & 21-28).

As per claim 13, Ananda teaches wherein the step of performing a process comprises determining whether the attempted access to the software is authorized

based on registration information associated with the software and registration

information associated with a user device (col. 3, lines 11-15 & 21-28).

As per claim 14, Ananda discloses of communicating registration information to

an authorized representative of the software; generating at least one authentication

code based on the registration information; and associating the authentication code with

the software (col. 3, lines 11-15 & 21-28).

As per claim 15, it is taught by Ananda wherein authorized representative

functions are implemented by a user device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 16, it is disclosed by Ananda wherein authorized representative

functions are implemented by software (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 17, Ananda teaches wherein authorized representative functions

are implemented by hardware (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 18, Ananda discloses wherein authorized representative functions

are implemented by hardware and software (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 19, it is taught by Ananda wherein the at least one identifier is

included in a filename for at least one component of the software (col. 6, lines 57-65).

As per claim 20, it is disclosed by Ananda wherein the identifier is selected from

the group consisting of the filename, a filename prefix, a filename suffix, a filename

extension, a filename extension prefix, and a filename extension suffix (col. 6, lines 57-

65).

As per claim 21, Ananda teaches wherein the identifier is tamper resistant to the

user (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8)..

As per claim 22, Ananda discloses wherein the identifier is hidden to the user (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 23, it is taught by Ananda of a method for securing software to reduce unauthorized use of the software, the method comprising providing software including data representing digital content; associating a plurality of identifiers with the software prior to distribution of the software, at least one identifier being detectable by an authorized representative to request authentication of the software; and distributing the software with the plurality of identifiers to a user (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 24, it is disclosed by Ananda wherein the software is self-activating and self-authenticating in conjunction with an authorized representative located on or in the user device (col. 10, lines 4-15).

As per claim 25, Ananda teaches wherein at least one of the identifiers is an activation code that must be entered by the user prior to transferring the software (col. 3, lines 11-15 & 21-28).

As per claim 26, Ananda discloses wherein the digital content is selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 27, it is taught by Ananda wherein at least one of the at least one identifiers is hidden from the user (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 28, it is disclosed by Ananda wherein at least one of the at least one identifiers is tamper resistant to the user (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 29, Ananda teaches wherein the at least one identifier is embedded within a file of at least one component of the software (col. 6, lines 57-65).

As per claim 30, Ananda discloses wherein the at least one identifier is a binary code (col. 6, lines 57-63).

As per claim 31, it is taught by Ananda wherein the at least one identifier is encrypted (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 32, it is disclosed by Ananda wherein the step of distributing the software comprises electronically distributing the software (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 33, Ananda teaches wherein the step of distributing the software comprises distributing the software on a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 34, Ananda discloses of performing a process to determine whether an attempted access to the software is authorized based on detection of the at least one identifier (col. 3, lines 11-15).

As per claim 35, it is taught by Ananda wherein the step of performing a process comprises determining whether the attempted access to the software is authorized based on registration information associated with the software (col. 3, lines 21-29).

As per claim 36, it is disclosed by Ananda wherein the step of performing a process comprises determining whether the attempted access to the software is authorized based on registration information associated with the software and registration information associated with a user device (col. 3, lines 21-29).

As per claim 37, Ananda teaches of communicating registration information to an authorized representative of the software; generating at least one authentication code based on the registration information; and associating the authentication code with the software (col. 11, lines 9-13).

As per claim 38, Ananda discloses wherein authorized representative functions are implemented by a user device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 39, it is taught by Ananda wherein authorized representative functions are implemented by software (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 40, it is disclosed by Ananda wherein authorized representative functions are implemented by hardware (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 41, Ananda teaches wherein authorized representative functions are implemented by hardware and software (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 42, Ananda discloses wherein the at least one identifier is included in a file name for at least one component of the software (col. 6, lines 57-65).

As per claim 43, it is taught by Ananda wherein the identifier is selected from the group consisting of a filename, a filename prefix, a filename suffix, a filename extension, a filename extension prefix, and a filename extension suffix (col. 6, lines 57-65).

As per claim 44, it is disclosed by Ananda wherein the identifier is tamper resistant to the user (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 45, Ananda teaches wherein the identifier is hidden to the user (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 46, Ananda discloses of a method for securing software to reduce unauthorized use having at least one authorized representative entity installed on or in a user device, the method comprising associating at least one identifier with the software to designate the software for protection from unauthorized use; detecting the at least one identifier using the authorized representative installed on or in the user device; determining whether the user device is authorized to access the software using the authorized representative entity installed on or in the user device; and controlling access to the software based on whether the user device is determined to be authorized (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 47, it is taught by Ananda wherein the software is self-activating and self-authenticating in conjunction with an authorized representative located on or in the user device (col. 10, lines 4-15).

As per claim 48, it is disclosed by Ananda of determining whether the user device is authorized to access the software using a remotely located authorized representative

entity in combination with the at least one authorized representative entity installed on

or in the user device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 49, Ananda teaches wherein the at least one authorized

representative entity installed on or in the user device comprises a computer chip (col.

6, lines 57-63).

As per claim 50, Ananda discloses wherein the at least one authorized

representative entity installed on or in the user device comprises program instructions

executed by a microprocessor (col. 6, lines 57-63).

As per claim 51, it is taught by Ananda wherein the program instructions

comprise an operating system component (col. 6, lines 57-63).

As per claim 52, it is disclosed by Ananda wherein the program instructions

comprise an application program (col. 6, lines 57-63).

As per claim 53, Ananda teaches wherein the program instructions comprise a

driver for a secondary device (col. 10, lines 4-15).

As per claim 54, Ananda discloses wherein the step of determining whether the

user device is authorized comprises comparing registration information associated with

the user device to registration information associated with the software (col. 3, lines 16-

49).

As per claim 55, it is taught by Ananda wherein the registration information

associated with the software is embedded within an authentication code (col. 3, lines

24-28).

As per claim 56, it is disclosed by Ananda wherein the registration information associated with the software is encrypted (col. 11, line 61 through col. 12, line 14).

As per claim 57, Ananda teaches wherein the registration information includes hardware information (col. 9, lines 5-6).

As per claim 58, Ananda discloses wherein the registration information includes hardware information associated with a unique user device (col. 3, lines 11-15).

As per claim 59, it is taught by Ananda wherein the hardware information includes a serial number (col. 8, lines 18-23).

As per claim 60, it is disclosed by Ananda wherein the registration information includes hardware information associated with a group of user devices (col. 3, lines 11-15).

As per claim 61, Ananda teaches wherein the authorized representative entity is installed by a manufacturer of the user device (col. 9, lines 35-36).

As per claim 62, Ananda discloses wherein the authorized representative entity is installed from a computer readable storage medium (col. 6, lines 57-63 and col. 9, lines 35-36).

As per claim 63, it is taught by Ananda wherein the authorized representative entity is installed from the software (col. 9, lines 35-36).

As per claim 64, it is disclosed by Ananda wherein the authorized representative entity is downloaded to the user device (col. 9, lines 35-36).

As per claim 65, Ananda teaches wherein the authorized representative entity is transferred to the user device from a network (col. 9, lines 35-36).

As per claim 66, Ananda discloses wherein the step of controlling access comprises preventing the software from being transferred to a second user device (col. 10, lines 8-15).

As per claim 67, it is taught by Ananda wherein the step of controlling access comprises preventing the software from being transferred to a user device if at least one authorized representative is inaccessible (col. 10, lines 8-15).

As per claim 68, it is disclosed by Ananda wherein the step of controlling access comprises preventing the software from being installed on a user device if at least one authorized representative is not present (col. 10, lines 8-15).

As per claim 69, Ananda teaches wherein the step of controlling access comprises preventing the software from being executed by the user device (col. 10, lines 8-15).

As per claim 70, Ananda discloses wherein the step of controlling access comprises providing limited access to the software (col. 10, lines 8-15).

As per claim 71, it is taught by Ananda wherein the software comprises digital content (col. 1, lines 17-19).

As per claim 72, it is disclosed by Ananda wherein the software is selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 73, Ananda teaches wherein the software comprises instructions for generating at least one authentication code based on registration information associated with the user device (col. 11, lines 9-13).

As per claim 74, Ananda discloses wherein the software comprises instructions for encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 75, it is taught by Ananda of a method for securing software to reduce unauthorized use of the software, the method comprising providing software including data representing digital content; detecting an identifier associated with the software indicating that protection from unauthorized use is desired; communicating with an authorized representative entity to determine whether a user device attempting to access the software is authorized to access the software; and controlling access to the software based on whether the user device is authorized (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 76, it is disclosed by Ananda wherein the software is self-activating and self-authenticating in conjunction with an authorized representative located on or in the user device (col. 10, lines 4-15).

As per claim 77, Ananda teaches wherein the identifier associated with the software is contained within a filename for the software (col. 6, lines 57-65).

As per claim 78, Ananda discloses wherein the authorized representative entity is a hardware device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 79, it is taught by Ananda wherein the step of communicating with the authorized representative entity comprises communicating with at least one software module associated with the user device (col. 3, lines 11-15 & 21-28).

As per claim 80, it is disclosed by Ananda wherein the authorized representative entity is installed on the user device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 81, Ananda teaches of generating an authentication code based on registration information associated with the user device; and associating the authentication code with the software (col. 3, lines 11-15 & 21-28).

As per claim 82, Ananda discloses wherein the step of communicating comprises generating an authentication code based on registration information associated with the user device; and comparing the authentication code with a previously generated authentication code associated with the software to determine if the user device is authorized (col. 3, lines 11-15 & 21-28).

As per claim 83, it is taught by Ananda wherein the step of comparing the authentication code comprises determining if at least a portion of system information associated with the user device matches system information encoded within the authentication code associated with the software (col. 3, lines 11-15 & 21-28).

As per claim 84, it is disclosed by Ananda wherein the registration information includes hardware-specific information (col. 9, lines 5-6 and col. 8, lines 18-23).

As per claim 85, Ananda teaches wherein the authorized representative entity is installed on or in the user device (col. 6, lines 57-63).

As per claim 86, Ananda discloses wherein the digital content is selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

Conclusion

25.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CR

November 12, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER